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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/382,907 08/25/99 KEISER

T 10269/11

EXAMINER

LM01/0912

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ROBINSON BOYCE, A

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

09/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/382,907

Applicant(s)
Keiser, et al.

Examiner
Akiba Robinson-Boyce

Group Art Unit
2765



☒ Responsive to communication(s) filed on Aug 25, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Braddock, III (US Patent 4,412,287).

As per claims 1, 8, 9, 13 and 14, Braddock, III discloses:

measuring/means for measuring an imbalance...computing/means for computing a projected price movement...setting/means for setting a market price...automatically generating/means for automatically generating.../wherein the additional buy orders or sell orders for the instrument are automatically generated at the market price if the projected price movement is greater than or equals...(Col. 7, lines 13-36);

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generating/means for generating an electronic currency...crediting/means for crediting a first trader's account...debiting a second trader's...(Col. 6, lines 37-47).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287) as applied to claim 1 above, and further in view of Perg, et al (US Patent 5,237,500).

As per claims 2, 3, 10, 11, Braddock, III fails to teach the following, however Perg, et al discloses:

wherein the electronic currency is Hollywood dollars...further comprising exchanging/means for exchanging the Hollywood dollars in the first or second

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trader's account for desired currency...(Col. 1, lines 14-19, where the examiner is interpreting "Hollywood dollars" as the "constant dollar financial instrument")

It would have been obvious to one of ordinary skill in the art to exchange the Hollywood dollars in the first or second trader's account for a desired currency because if an exchange occurs using the wrong type of currency, then the exchange would have no real value.

5. Claims 4-7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddock, III (US patent 4,412,287) as applied to claim 1 above, and further in view of Perg, et al (US Patent 5,237,500) and Stein, et al (5,826,241).

As per claims 4-7 and 12, neither Braddock, III or Perg, et al teach the following, however Stein, et al discloses:

exchanged...via a secured communication.../purchasing/means for purchasing goods or services...on the Internet.../wherein a request for the purchase is transmitted to the vendor's web site via a secured communication.../wherein the vendor debits the first or second trader's account in the Hollywood dollars...via a secured communication...(Col. 9, lines 49-54).

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Stein, et al does not specifically state that the exchange is done on a web site, however he does disclose that the exchange is done on the Internet making it obvious to use a web site to implement the operation. It would have been obvious to one of ordinary skill in the art to request an exchange, to purchase goods, to request a purchase, and to debit accounts through a web site on the Internet via a secured communication because when executing financial transactions on the Internet, these are the most traditional tools used in Internet technology for making the most logical, safest purchases with the lowest risk factors.

Conclusion

6. An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached on (703) 308-7791. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

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An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

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August 24, 2000



ERIC W. STAMBER
PRIMARY EXAMINER